IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 25149 of 1995

Between:

Master K.Sushant Divakar (Minor), rep. by his natural mother Sucharitha Divakar,
C/o.David Memorial School, R.P. Road,
Secunderabad.

..... PETITIONER

AND

1 The Kendriya Vidyalaya Sangatan,

Rep. by its Director, New Delhi.
2 The Principal,
Kendriya Vidyala, Trimulgherry,
Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or declaring the action of the respondents in not correcting the Date of Birth in the school records from 7.9.1978 to 7.10.1979 is illegal, arbitrary and direct them to issue the duplicate Transfer Certificate and other relevant school records by showing correct Date of Birth.

Counsel for the Petitioner: MR. J.V.REDDY

Counsel for Respondents: MR. B.NARASIMHA SARMA (Not present)

The Court made the following ORDER:

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This writ petition is filed seeking to declare the action of the respondents in not correcting the date of birth of the petitioner in the school records as 7-10-1979 instead of 7-9-1978, as illegal and arbitrary and consequently to direct the respondents to issue duplicate Transfer Certificate and other relevant school records with correct date of birth of the petitioner.

The natural mother of the petitioner, who gave affidavit in support of the petition, states that the date of birth of the petitioner is 7-10-1979, which was entered as such in the school records of Kendriya Vidyala at Picket, Secunderabad in the year 1988 while he was studying III class. Thereafter, on account of transfer of her husband, who is serving the Indian Army, to Mhow, Madhya Pradesh, the petitioner was admitted in Kendriya Vidyalaya there. In the year 1993 since her husband was again transferred to Hyderabad, the petitioner was admitted in second respondent-Kendriya Vidyala, Trimulgherry, Secunderabad, whereat he passed X class. It is her case that in the transfer certificate issued by the second respondent on 14-6-1995, the date of birth of the petitioner was wrongly entered as 7-9-1978 instead of 7-10-1979. When they approached the second respondent for rectification of the date of birth, the second respondent informed that the date of the petitioner was wrongly entered in the transfer certificate issued by Kendriya Vidyala at Mhow. As per the advice of the second respondent, they obtained correct date birth certificate of the petitioner as well as Duplicate Transfer Certificate with his correct date of birth, from Kendriya Vidyalaya, Mhow, and submitted the same to the second respondent requesting for issuing of duplicate Transfer Certificate with correct date of birth of the petitioner, but the second respondent, which is under the administrative control of the first respondent, has not taken any action in the matter so far, in spite of several requests. Hence, the writ petition.

Even though the present writ petition was admitted on 20-11-1995, no counter-affidavit has been filed by the respondents and no representation is made on their behalf. In the circumstances, it has to be presumed that the case put forth by the petitioner in this writ petition is true and the respondents have no reason to deny the relief.

Accordingly, the writ petition is allowed as prayed for. No costs.

N.V.RAMANA, J

Dated: 9th September, 2004.

Ksr/Ak*

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Thursday, the ninth day of September, Two thousand and four.

SPECIAL OFFICER

// TRUE COPY

SECTION OFFICER

To

1.The Director, Kendriya Vidyalaya Sangatan, New Delhi.

2.The Principal, Kendriya Vidyala, Trimulgherry, Secunderabad.

3.Two CD copies.